

REMARKS

Claims 1-11, 21 and 22 are pending. By this Amendment, claims 1 and 10 are amended and new claims 21 and 22 are added.

Claim Rejections - 35 U.S.C. § 112

Claims 1 and 10 have been amended to eliminate the indefinite expressions. Therefore, withdrawal of the 112 rejection to these claims is respectfully requested.

Claim Rejections - 35 U.S.C. §§ 102 and 103

Claims 1-7, 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Syamoto et al. (U.S. Publication No. 2004/0237692). Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Syamoto in view of Skogward (U.S. Patent No. 6,415,677). Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Syamoto in view of Fujinuma (U.S. Publication No. 2002/0056334).

Claim 1 has been amended to clarify the difference between the present invention and Syamoto. That is, claim 1 has been amended to clarify that the position detecting mechanism is formed as a single unit (19) and the detecting device (25) is single (see Figs. 1-4). Therefore, the claimed shifting device has a simple configuration.

As shown in Figs. 6 and 7, the shifting device of Syamoto includes two position detecting mechanisms (21, 22) separated from each other. One of the position detecting mechanisms is a first sensor unit 21 for detecting the position of the shift lever 15 in the shift direction, and the other one of the position detecting mechanisms is a second sensor unit 22 for detecting the position of the shift lever 15 in the select direction (see paragraph [0076]). As shown in Fig. 6, the first and second sensor units 21, 22 include movable detection objective devices (61, 84),

respectively. Accordingly, Syamoto does not disclose the claimed feature in which the position detecting mechanism is formed as a single unit and the detection objective device is single.

Therefore, withdrawal of the 102 rejection to claim 1 is respectfully requested. Claims 2-11 depend directly or indirectly from claim 1. Hence, withdrawal of the 102 or 103 rejection to these claims is respectfully requested as well.

#### Newly Added Claims

New claims 21 and 22 have been added. New claim 21 recites that, according to movement of the shift lever (2), the moving mechanism moves one of the group of the detecting devices (38 to 41) and the detection objective device (25) relative to the other in a single plane including the first and second movement axes. New claim 22 recites that, according to movement of the shift lever (2), the moving mechanism moves the detection objective device (25) relative to the group of the detecting devices (38 to 41) in the single plane. The features of these claims 21, 22 are not disclosed in any of the cited references.

#### CONCLUSION

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas J. Christensen", written in a cursive style.

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